

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-13-692
Casino One Corporation)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") is a state commission created under Chapter 313, RSMo 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment Inc. is the parent organization or controlling entity of Casino One Corporation.
4. The Commission issued a Class B riverboat gambling license to Casino One Corporation ("Company"), to conduct games on and operate the excursion gambling boat known as Lumiere Place Casino ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On April 26, 2012, Sergeant Todd Barthelmass reviewed the Casino's Emergency Operations Play ("EOP") and discovered several violations. A majority of the violations discovered by Sergeant Barthelmass concerned the Casino's fire extinguishers. Among other violations, he found fire extinguishers without chalk in the cabinet, missing from designated locations, without service tags, incorrect service tags, obstructed from view, and improperly numbered.
7. Barthelmass conveyed his findings to Casino Compliance Manager Dustin Ziebold and also spoke with Security Greg Cisna and Security Manager Mark Hughes.

¹ 20130325002

8. On April 14, 2013, Trooper A.K Johnson conducted a follow up inspection of the Casino's EOP Plan. Johnson's inspection discovered the following violations:
- During Albright's inspections of all the fire extinguishers, 111, 116, 120, 123, 124, 125, 126, 127, 128, 201, and 221 were found not to contain chalk in the fire extinguisher cabinet.
 - Fire extinguishers 9, 103, 204, 209, 301, 303, 304, 310, 311, and 313 were missing from their designated locations.
 - Fire extinguishers 219, 401 and 410 did not have fire extinguisher service tags.
 - Fire extinguishers 130, 134, 201 and 312 were inspected but maintained the incorrect service tag.
 - Fire extinguishers 218 and 220 were located on the floor and were found to be obstructed from the public view, along with 223.
 - Fire extinguishers 102, 104, 108, 112, 114, 136, 138, 205, 214, 401, 403, 405, 413 and 504 were either not numbered or improperly numbered.

LAW

9. Under Section 313.805(6), RSMo 2000, the Commission may assess any appropriate administrative penalty against a licensee, including but not limited to, suspension, revocation or penalties of an amount determined by the Commission.
10. Under Section 313.812.14, RSMo 2000, a holder of any license is subject to imposition of penalties, suspension or revocation of such license for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri.
11. Under Section 313.812.14(1), RSMo 2000, a licensee may be disciplined for failing to comply with or make provisions for compliance with Sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation.
12. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.

13. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.
14. Under 11 CSR 45-4.020(10) rules adopted prior to May 30, 2008 which previously referred to a Class A licensee shall refer to both a Class A and B licensee unless specifically identified otherwise.
15. Under 11 CSR 45-9.060(4), violations of the Class A licensee's internal control system by the Class A licensee or an agent or employee of the Class A licensee shall be prima facie evidence of unsuitable conduct for which the Class A license and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq., as amended from time to time.
18. The Company's ICS, Chapter N, § 3.02 states, Security personnel shall be trained to implement the mandatory Emergency Response Plan submitted to the MGC per 11 CSR 45-6.

VIOLATIONS

19. The actions or omissions of employees or agents of the Company as described above constitute a failure to comply with the law, regulations, and controls governing Casino security and admission procedures, which are in violation of Lumière's ICS, Chapter N, § 3.02. The Company is subject to discipline for such violations under 11 CSR 45-9.060 (4), sections 313.805(6), 313.812.14, 313.812.14(1) & (2), RSMo.

PENALTY PROPOSED

20. Under Section 313.805(6), RSMo 2000, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
21. THEREFORE, it is proposed that the Commission fine Casino One Corporation the amount of \$10,000 for the violations set forth herein.

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this ____ day of _____, 2013, to:

Mr. Jeff Babinski, General Manager
Lumiere Place Casino
999 North Second
St. Louis, MO 63102

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission